THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.25505 OF 2005

Dated: 18.12.2007

Between:

E.C.Employees' Coop House Construction Society Limited (Regd No.TBC- 183/1976)
Dr.A.S.Rao Nagar, Hyderabad – 500 062.
Rep. by its Chairman Mr.K.V.Satyanarayana
S/o.Rama Dasu Aged 52 years R/o.Hyderabad

....Petitioner.

AND

The Hyderabad Urban Development Authority, Hyderabad rep. by its Vice Chairman
and others.

...Respondents.

Counsel for the petitioner : Sri G.Vidyasagar

Counsel for respondent No.1: Sri M.Surender Rao (Standing Counsel for HUDA)
Counsel for respondent No.2: Sri R.Ramachandra Rao
Counsel for respondents 3 and 4: Assistant Government Pleader for Revenue
Counsel for respondent No.5: Sri P.Venugopal.

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ORDER:

This writ petition is filed for a writ of Mandamus to declare proceedings, dated 14.07.2005, including the action of the Hyderabad Urban Development Authority (for short 'HUDA') in revising the layout by deleting a portion of the land belonging to the petitioner-society as illegal and arbitrary and to declare that HUDA has no power or authority to revise final layout and consequently, to direct HUDA to restore the final layout already communicated without deleting any area from the sanctioned layout.

Since the parties have agreed for the disposal of the writ petition in the manner in which it is being disposed of, there is no need to go into the detailed facts of the case.

It will suffice, if it is stated that the petitioner filed this writ petition feeling aggrieved by letter No.5145/MP2/P4/H/2005, dated 28.06.2005, in pursuance of which the Commissioner, Kapra Municipality issued proceedings in Roc.No.BA/G1/1026/2005, dated 14.07.2005, whereby the final layout issued in favour of the petitioner was revised by deleting certain portion of the land from it at the instance of respondent No.5.

Sri G.Vidyasagar, learned counsel for the petitioner submitted that the action of HUDA in revising the layout is illegal since the procedure prescribed under the provisions of A.P.Urban

Areas Development Act, 1975 (for short 'the Act') is not followed inasmuch as no notice or opportunity has been given to the petitioner before revising the final layout. He also submitted that the consequential letter, dated 14.07.2005, issued by the Commissioner, Kapra Municipality is also liable to be set aside on that ground.

The fact that before revising the final layout, the petitioner was not afforded an opportunity by following the prescribed procedure under the Act is not denied by the respondents.

Sri P.Venugopal, learned counsel representing respondent No.5 fairly submitted that his client has no objection if letters, dated 28.06.2005 and 14.07.2005, issued by respondent Nos.1 and 2 respectively are set aside and respondent No.1 is directed to take steps to follow the procedure prescribed under the Act while considering the request of respondent No.5 to revise the final layout issued in favour of the petitioner.

Learned Standing Counsel says that he has no objection for this course.

In the above mentioned facts and circumstances of the case, this writ petition is disposed of without going into the merits of the case. Letters, dated 28.06.2005 and 14.07.2005, issued by respondent Nos.1 and 2 respectively are set aside. Liberty is given to respondent No.1 to initiate proceedings afresh for revising the final layout in accordance with the provisions of the Act, after giving reasonable opportunity to the petitioner and respondent No.5.

As a sequel to disposal of the writ petition,

W.V.M.P.No.1469 of 2006 and W.P.M.P.No.16961 of 2007 filed by respondent No.5 to vacate the interim orders and to receive documents respectively are disposed of as infrcutuous.

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C.V.NAGARJUNA REDDY, J.

Date: 18.12.2007.
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